

Minutes - The Blue Mountains Council Meeting



MEETING DATE: April 15, 2009

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Engineering and Public Works Reg Russwurm, Director of Planning and Building Services David Finbow, Deputy Treasurer Elizabeth Thompson, Manager of Revenue Ruth Prince, Manager of Water & Wastewater Services John Caswell, Chief Librarian Carol Cooley, Director of Recreation Shawn Everitt and Director of Special Projects Peter Tollefsen
- Council then paused for a moment of Personal Prayer or Reflection.
- Approval of Agenda:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT the Agenda of April 15, 2009 be approved as circulated, including any items added to the Agenda, unanimously Carried.

The Clerk then noted that pecuniary interests declared by Councillors Gamble and Martin at the April 6, 2009 Planning and Building Committee meeting were inadvertently left out of the Committee Report although noted in Committee minutes and the Report will be revised to include the declarations.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Councillor Martin with regard to the Planning and Building Committee Report of April 6, 2009 and Recommendations 4 and 5 and Council Agenda Items F.2 and F.3 relating to Lora Bay Corporation and occasional employment of his spouse and Councillor Gamble with regard to the Planning and Building Committee Report of April 6, 2009 and Recommendation 3 relating to a Niagara Escarpment Amendment and property owned by his extended family.

Mayor Anderson then requested CAO Paul Graham provide an update to Council on the Automatic Aid Agreement with Collingwood under New and Unfinished Business.

Councillor Martin then noted an addition under New and Unfinished Business, being discussion of a Conservation Authority funding proposal for dam maintenance

- Adoption of Consent Agenda

Moved by: Michael Martin Seconded by: John McKean

THAT the Consent Agenda of March 23, 2009 be adopted as circulated, save Agenda item G.4, Planning & Building Committee Report of April 6, 2009, unanimously Carried.

- Previous Minutes

Moved by: R.J. Gamble Seconded by: John McGee

THAT the Council minutes of March 23, 2009 and Special Meeting minutes of March 19, 2009 be adopted as circulated, including any revisions to be made, unanimously Carried.

There was no business arising from the minutes at that time.

B. Deputations/Presentations

1. Cathy Innes, Chair, The Blue Mountains Public Library Board
General Update on Activities

Next as Cathy Innes, The Blue Mountains Public Library Board Chair was in attendance, it was Council's pleasure to hear her regarding a general update on Board activities.

Cathy introduced Board members Jean Salvatore, Mary Little, Christine Morrad and Dennis Stainer and noted they were grateful that Mayor Anderson and Councillor Martin also served on the Board.

Cathy then reviewed features and programs offered by the library, noting library use has been increasing with additional programs and resources offered for patrons of all ages and walks of life.

Cathy noted funding for the library serves all of the Town residents with a number of relationships established with community partners.

Cathy then noted the library also provides outreach programs outside the library.

Cathy then recounted youth and senior programs offered, as well as accessibility programs offered.

Cathy then thanked Council for their support.

Mayor Anderson then thanked Cathy for her presentation and noted she enjoyed working with library staff and patrons of all ages.

Councillor Martin then noted support and appreciation in working with the Library Board, Cathy then retiring from the meeting.

2. Mark Kristofic, Ski Racing Canada – National Ski Cross Event, January 25 – 27, 2010, Blue Mountain

Next as Mark Kristofic and Chris Robinson were in attendance it was Council's pleasure to hear them regarding a proposed 2010 FIS World Cup Ski Event to be held in the area.

Mark noted Ski Cross is a new Olympic event featuring four skiers competing against each other with Canada having excellent medal potential.

Mark noted between 50 and 70 Olympians would be in the community for the event, with the event proposed for a long term presence, accentuated in 2010 with the Vancouver Olympics.

Mark further noted it was proposed to integrate the racers into the community and schools, create a legacy event and spur economic development.

Mark then requested Council endorsement of the event, with financial support from FIS, corporate funding and international host grant funding available for event operations.

Chris then noted a tentative date in the international FIS schedule has been requested and it is hoped in the near future to put together \$350,000 in funding and gather letters of support and endorsement.

Chris noted Blue Mountain Resort is very much behind the project and it is hoped the first ever World Cup Event would be in the area.

Deputy Mayor McKinlay then questioned what level of endorsement was requested, Chris noting indication of community support was requested and the organizer can work to bring together area representatives to make the event a reality.

Mark then noted it is hoped the event would be beneficial to the area and the event has been discussed with Town staff.

Councillor Kennedy then spoke, noting the Town has been extremely supportive of other events, particularly those with ski themes.

Cameron then questioned if normal courses would be longer than Blue Mountain Resort, Mark noting a Ski Cross course can be accommodated on a shorter hill with man-made features on the course.

Chris then noted 25 countries now participate in Ski Cross.

Councillor Martin then spoke, noting Council could consider a Resolution at the next meeting.

Mayor Anderson then thanked Chris and Mark for their presentation and they retired from the meeting.

3. David Slade, D.C. Slade Consultants – Slopeside Development Inc. - Staff Report PL.09.31 (previously considered and Lost at Planning and Building Committee on April 6, 2009)

Next as David Slade was in attendance it was Council's pleasure to hear him regarding the previously discussed Slopeside Development with Planning Applications previously considered at the April 6, 2009 Planning and Building Committee meeting where the matter was lost in a tie vote.

David then reviewed the applications, currently permitted land uses and the proposed residential uses, noting the proposed land use is considered the least intrusive for the area, a commercial use representing a more intrusive use given the residential land uses to the south and east.

David further noted the lands are naturally buffered regarding the Blue Mountain Inn and other residential uses.

David noted there will always be residential /commercial conflicts but the proposed acoustic study should address the matter, with more impact to the existing residential uses if a commercial use was proposed on the site.

Councillor Kennedy then questioned of Director of Planning & Building David Finbow if something could be put in an agreement acknowledging the proposed residential uses would be close to a resort hotel, David replying warning clauses have been inserted in past agreements, however, if a property title search was not completed a buyer may not be aware of the agreement, adding an agreement was not being recommended for the Consent Applications, rather a sound attenuation study is being recommended to represent the Town's due diligence.

David then noted the proponent would be willing to enter into an agreement with such a warning clause.

Councillor Martin then noted Council may wish to reconsider Recommendation No. 2 of the Planning and Building Committee Report of April 6, 2009, at this time, Council concurring.

Michael then noted the matter was previously considered on April 6, 2009 and lost in a tie vote and members of Council could now ask any questions on the matter, it being noted Staff are recommending approval.

Michael then Moved that Recommendation No. 2 of the Planning and Building Committee Report of April 6, 2009, be approved and adopted, together with the insertion of a warning clause regarding location of the proposed residential lots being adjacent to a resort commercial use.

Councillor Gamble then noted he did not support the Applications previously as it would represent a buyer-beware situation and if the lots were sold and re-sold, there may be problems in the future with restrictions placed on the private easement access.

Bob further noted the existing tree buffer was less than found in other areas where ambient noise results in complaints, adding these concerns of Council should be registered on title.

Councillor Kennedy then seconded the Motion, being Recommendation No. 2 of the Planning and Building Committee Report of April 6, 2009, as amended.

Director of Planning & Building David Finbow then suggested wording to address noise concerns, being the addition of a Condition of Consent noting "That prior to registration of deeds related to this Consent, the owner shall register on title of the subject property a statement which advises prospective property owners that the lands are adjacent and/or in close proximity to existing non-residential and recreational uses that may

generate noises that may affect the ability of occupants of the lands to enjoy the quiet repose of the lands.”

Councillor Gamble then noted the proposed wording would address his concerns.

Councillor McKean then questioned status of the access easement, David Slade noting Blue Mountain Resorts still has to provide access to the existing dwelling as well as an adjacent dwelling, the easement created in 2001 when the Apple Bowl ski lift was reconfigured and legal review indicates no revisions to the easement are required.

Michael then noted he would agree with insertion of the proposed wording if the Secunder of Motion was in agreement, Cam agreeing with the wording.

Deputy Mayor McKinlay then noted concern that any proposed purchaser would only be aware of the warning clause if title to the property was searched, David noting by registering the clause prior to the Consents, it would show on both severed and retained parcels.

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: Cameron Kennedy

THAT the Planning and Building Committee receive Planning Staff Report PL.09.31, “Application for: Official Plan Amendment, Zoning By-law Amendment, and Consent File No. B08, B09, B10-2008, Slopeside Development Inc., Pt. Block A and Pt. Lot 57, Plan 733, Town of The Blue Mountains”; and

THAT Council grant Applications of Consent File Numbers B08-2008, B09-2008, and B10-2008 subject to the following conditions:

B08-2008

1. An Official Plan Amendment to re-designate the subject lands from the Blue Mountain Resort Commercial ‘BMRC’ designation to the Low Density Residential ‘LDR’ designation, and to permit development on lands which do not have direct frontage and access on to a municipal street
2. A Zoning By-law Amendment to rezone the lands from the Village Core Resort Commercial ‘C7’ zone to the Residential ‘R3’ zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.
3. An Environmental Impact Study addressing the ‘Special Policy Area’ requirements of the County Official Plan to the satisfaction of the County of Grey.
4. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties.
5. The payment of Development Charges.
6. The payment of Parkland Dedication Charges.
7. That prior to registration of deeds related to this Consent, the owner shall register on title of the subject property a statement which advises prospective property owners that the lands are adjacent and/or in close proximity to existing non-residential and recreational uses that may

generate noises that may affect the ability of occupants of the lands to enjoy the quiet repose of the lands.

B09-2008

1. An Official Plan Amendment to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street
2. A Zoning By-law Amendment to rezone the lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.
3. An Environmental Impact Study addressing the 'Special Policy Area' requirements of the County Official Plan to the satisfaction of the County of Grey.
4. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties.
5. The proponent shall submit to the Town for its consideration and approval a detailed report and related implementation plan, prepared by a Professional Engineer licenced to practice in Ontario, with respect to measures necessary to be implemented to comply with the Ministry of Environment's Noise Guidelines with it being noted that this Report will be utilized by the Town's Chief Building Official for a proposal's compliance with applicable law in accordance with eh provisions of the Building Code Act.
6. The payment of Development Charges.
7. The payment of Parkland Dedication Charges.
8. That prior to registration of deeds related to this Consent, the owner shall register on title of the subject property a statement which advises prospective property owners that the lands are adjacent and/or in close proximity to existing non-residential and recreational uses that may generate noises that may affect the ability of occupants of the lands to enjoy the quiet repose of the lands.

B10-2008

1. The conditions of Consent Applications B08-2008 and B09-2008 being completed.

AND THAT Council adopt Official Plan Amendment No. 14 to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street.; and

THAT Council grant a Zoning By-law Amendment to rezone the subject lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street, unanimously Carried.

C. Correspondence as previously circulated

Councillor Gamble then spoke to Item C.9, Federal Gasoline Tax funding being guaranteed through 2014, adding it should be based on updated census figures to ensure the Town is receiving its fair share.

Mayor Anderson then spoke to Item C.11, AMO invitation to consult on Great Lakes issues and concerns, CAO Paul Graham noting he had been working with a Policy Paper Committee of the Great Lakes St. Lawrence Cities Initiative which will present to the Province in May and given the work done by the Town to date, the AMO position may be of interest and he would investigate the matter.

Ellen then spoke to Item C.2, request to re-name the Arena as the Cec Dillon Memorial Arena, noting the matter has been discussed several times in the past and it will now be referred to Recreation Staff.

Deputy Mayor McKinlay noted he would look forward to further consideration in the future as a policy matter.

Moved by: John McKean Seconded by: John McGee

THAT this Council does hereby receive the Correspondence of April 15, 2009 and further does support the Staff Recommendation made with regard to the Correspondence items, including any additional direction given to Staff through discussion, with an appropriate Staff action or response awaited for report back to Committee or Council where indicated, unanimously Carried.

D. Motions and Staff Reports

D.1 2009 Water and Wastewater Rate By-law and Public Comments, FIS.09.17

Mayor Anderson then briefly retired from the meeting, Deputy Mayor McKinlay assuming the Chair.

Duncan then reviewed the Report, noting the public discussion and input to date.

Councillor Kennedy then noted the Town's rates have been compared with those of Toronto in the past, with Toronto now proposing to increase rates 10% per year for 10 years.

Councillor Gamble then questioned temporary landscape watering permits, Manager of Water and Wastewater John Caswell noting the permit cost is above the cost of water and those who receive such Permits use metered water.

Mayor Anderson then re-attended the meeting, Duncan remaining in the Chair.

Bob then questioned what if they connected to a hydrant, John noting the Town does not permit the use of hydrants.

Council then dealt with the following Resolution:

Moved by: Ellen Anderson Seconded by: R.J. Gamble

THAT Council receive Staff Report FIS.09.17 "2009 Water and Wastewater Rate By-law and Public Comments" for their consideration in finalizing the 2009 Water and Wastewater Charges; and,

WHEREAS, GLSLCI launched the Water Conservation Framework in 2007 to encourage leadership on water conservation within the region and the Framework's thirty-three participants have committed to working towards a fifteen percent reduction in water use within their jurisdictions by 2015, below year 2000 water withdrawal levels; and

WHEREAS, the eight Great Lakes States and the two Canadian Provinces signed the Great Lakes-St. Lawrence River Basin Water Resource Compact and the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement in 2005, and the Compact has received federal consent in the United States, and the Agreement has been accepted and implemented by the Province of Ontario and a bill to implement the Agreement in Quebec is currently under consideration by the National Assembly; and

WHEREAS, the eight Great Lakes States and two Canadian Provinces are committed under the Compact and Agreement to develop and implement water conservation and efficiency programs that are either voluntary or mandatory, based on objectives and guidelines agreed to by the States and Provinces.

NOW, THEREFORE, BE IT RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative encourages the United States and Canadian federal, state, and provincial governments to join municipalities to ensure the region becomes a leader with respect to water conservation by working to ensure systems are developed that reflect the true value of water; and

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative encourages the use of conservation practices by all water users which best suit each local jurisdiction, including valuing water appropriately, while ensuring that municipalities generate the necessary revenue for the operation and maintenance of their water supply and distribution systems; and

BE IT FURTHER RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative calls on the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and the Provinces of Ontario and Quebec to develop and implement water conservation and efficiency programs that contain real targets with respect to reductions in water use and meaningful timeframes within which to achieve the targets, unanimously Carried.

E. New and Unfinished Business

E.1 Grey County Council Update

Deputy Mayor McKinlay then reported on discussion at the April 14, 2009 Infrastructure and Recreation Committee and Grey County proceeding with some much-needed road repairs on Grey Road 21, the Committee split on consideration to proceed with a portion of sewer installation at the same time that would be utilized in the future.

Duncan then reported the County would conduct a roads tour in the near future to determine road repair projects, including Heathcote Bridge.

E.3 Additions to Agenda

Councillor Martin then distributed a Table of Potential Levy Apportionment for dam structures within the watershed area, as proposed by the Grey Sauble Conservation Authority.

Michael then noted it was proposed that any municipality that was thought to receive 100% of any benefits from a dam structure, for example historical or aesthetic, would be responsible for 100% of maintenance costs. Other dams that included general benefits to the area, for example recreation, would be considered for a shared or complete Authority apportionment.

Michael noted at present, Haines and Clendennan dams were considered to be 100% apportioned to the Town, adding some Provincial funding is available for ice control dams which would include Clendennan.

Michael further noted Haines dam is deemed to be of no benefit and in fact is being considered for removal, the sediment trapped by the dam seen as a liability.

Michael then noted dam maintenance is very expensive and Clendennan requires some maintenance at present.

Michael then requested Council consider the proposed program for further comments.

Councillor Gamble then questioned if the Authority pays 50% of the Owen Sound dam at present, Michael replying yes, through the general levy and reserves which are quickly shrinking.

Bob then noted The Blue Mountains has been paying 25% of the overall Authority levy for some time, including removal of the Tara dam, and it seems funding rules keep changing.

Michael then noted Owen Sound pays 23% of the overall levy and their dam is now proposed for 100% City apportionment and Owen Sound and The Blue Mountains will have to consider future costs as we have the biggest dams.

Deputy Mayor McKinlay then noted the matter was not a small issue and perhaps Finance and Information and Infrastructure and Recreation could consider what is being proposed and what the impact might be on taxation over the next 15 to 20 years.

Councillor Kennedy then requested clarification on past apportionments, Duncan noting the levy was based on property assessment, Cam noting if a structure was deemed to be of general benefit to the watershed the Town would still pay 25% of costs, Michael replying yes.

Michael then noted he had previously distributed the full GSCA Staff Report on water control structures and requested Council review it, including criteria to determine general and local benefit.

Councillor Gamble then noted another issue to be addressed is funding for washroom facilities at Peasemars Conservation Area, yet the Town continues to pay 25% of the costs for Inglis Falls and Hibou, Michael noting Staff were only considering the water control structure portion of the Budget.

Duncan then noted the Authority spreads a lot of responsibility amongst a larger group, similar to County operations, and while some member municipalities are critical of Authority spending, how else would larger features such as dams be addressed for the common good.

Councillor Martin then noted that reserves are built up by all members but a 100% local cost apportionment would have to be paid in that year.

Michael then reported on the Source Water Protection Committee Terms of Reference, currently before the Minister for approval, the Minister noting the Terms will not be approved unless all references to any form of landowner compensation are removed.

Michael then noted the annual tree sale is upcoming and input is being sought on proposed revisions to the Fill Regulation.

CAO Paul Graham then updated Council on the status of the Automatic Aid Agreement with the Collingwood Fire Department, noting Collingwood has indicated they would not sign the agreement and Paul has requested a meeting to discuss the matter.

Paul further noted two fires have occurred in the Craigleith area and Town forces were able to address them both without activating the Mutual Aid Agreement or requiring the Automatic Aid Agreement.

Director of Special Projects Peter Tollefsen then updated Council on the joint Grey Highlands – The Blue Mountains presentation to the Standing Committee on Bill 150, the Green Energy Act.

E.2 Notice of Motion

None

F. By-laws

F.1 2009 Water and Wastewater Rates

Moved by: John McGee Seconded by: D.R. McKinlay

THAT By-law No. 2009 - 22, being a By-law to impose a fee or charge for the supply of water and for the use of a sewage system effective March 1, 2009, be hereby passed this fifteenth day of April, 2009.

In speaking to the Motion, Deputy Mayor McKinlay noted Council believed some changes in the rate structure were required to achieve fairness but data continues to be gathered for study and the matter will be considered every year.

Councillor Gamble then noted recent correspondence from system users appears to ignore the fact that the first 5 m³ per month is at no charge which is equal to fixed rate increase.

Councillor Martin then noted he also believes people fail to understand the ability to ensure and provide fire protection is also at stake.

Council then voted on the Resolution, Carried.

F.2 Lora Bay Service Area Development Charges

Moved by: John McKean Seconded by: Cameron Kennedy

THAT By-law No. 2009 - 23, being a By-law to establish area-specific development charges for The Blue Mountains, Service Area 6, Lora Bay, be hereby passed this fifteenth day of April, 2009, Carried.

NOTE: Councillor Martin declared a pecuniary interest with regard to Agenda Item F.2, Lora Bay Corporation and occasional employment of his spouse and did not take part in related discussion or voting.

F.3 Lora Bay Corporation – Draft Plan of Subdivision

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT By-law No. 2009 - 24, being a By-law to rezone Draft Plan of Subdivision, Phase 2, County File No. 42T-2006-14a, from the Development D Zone to the Residential R3-h Zone, Residential R3-213-h Zone and Residential R6-214-h Zone, comprised of parts of Blocks 1 and 30 and Blocks 15 and 29, Registered Plan 16M-8, be hereby passed this fifteenth day of April, 2009, Carried.

NOTE: Councillor Martin declared a pecuniary interest with regard to Agenda Item F.3, Lora Bay Corporation and occasional employment of his spouse and did not take part in related discussion or voting.

G. Consent Agenda

Accounts

1. Accounts
2. Invoices separated for pecuniary interest (None)

Reports List (Adopt)

3. Infrastructure and Recreation Committee, March 24, 2009
4. Planning and Building Committee, April 6, 2009

Moved by: D.R. McKinlay Seconded by: John McGee

THAT the Planning and Building Committee Report of April 6, 2009, be adopted as circulated and all Recommendations approved, save and except Recommendation No. 2, previously addressed by Council, Carried.

Minutes List (Receive)

5. GSCA Source Protection Committee, February 27, 2009
6. Police Services Board, March 18, 2009

H. Next Meeting Date(s)

Council April 27, May 11, 25, June 8, 22, July 13, August 10, September 14, 28, October 14 (Wed), 26, November 9, 23, December 14, 2009

All Council meetings to be at the Library unless otherwise noted

Infrastructure and Recreation Committee, April 28, 2009

Planning Committee, May 4, 2009

Finance and Administration Committee, May 5, 2009

I. Closed Session

Moved by: D.R. McKinlay

Seconded by: John McKean

THAT the closed session minutes of November 18 and 24 (2), December 8 and 22, 2008 and January 7 and 26, February 3, 19 and 23 and March 2, 19 and 23, 2009, be adopted as circulated, including any revisions to be made, unanimously Carried.

J. Confirmation By-law and Adjournment

Moved by:

Cameron Kennedy

Seconded by:

John McKean

THAT By-law No. 2009 - 25, being a By-law to confirm proceedings of the Council of the Corporation of the Town of The Blue Mountains on April 15, 2009, be hereby enacted as passed this fifteenth day of April, 2009, Carried.

NOTE: Pecuniary interests were previously declared by Councillors Gamble and Martin and they did not take part in related discussion or voting.

Moved by:

Cameron Kennedy

Seconded by:

John McGee

THAT this Council does now adjourn at 8:45 p.m. to meet again April 27, 2009, 7:00 pm, L.E. Shore Library, or at the call of the Chair, Carried.

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Ellen Anderson, Mayor

.....
Stephen Keast, Clerk